

Added claim 53 contains claim subject matter agreed upon at the interview of 11/10/98 as allowable.

Claim 54 has been added to recite with increasing specificity the implementation in the present hybrid system of cruise mode control and is proffered for the Examiner's consideration of allowable subject matter in this application. Antecedent basis can be found at least at page 11, lines 10-14.

Claims 34, 35, 37, 40 and 42-44 stand rejected under 35 USC 103 over Ellers. Ellers' neither shows, teaches or suggests "control circuit activation of a second coupling means for connecting the combustion engine to an electric generator for charging a battery during the cruise mode off condition" as specified in Claim 34. In contrast, Ellers is limited to actuating a charging function "Fail Safe System" only when battery voltage is low, i.e. below 5.25 per 6 volt battery and does not make available the charging path capability as defined with specificity in Claim 34 (see particularly col. 2, line 47 on with respect to Clutch 65).

Importantly in normal operation, Ellers starts the engine above 55 mph (col. 4, line 6). Claim 34 in complete contrast has the engine running to charge the battery during cruise mode "off" (when Ellers engine isn't running).

Dependent Claim 35 is deemed clearly patentable as Claim 34 further specifying charging speed conditions and not at some low voltage level.

Claim 37 specifically defines transfer of power from an engine to a generator based on running state not battery voltage level as in Ellers. Dependent Claim 40 calls out the vehicle running state parameter for effecting the charging path not some low voltage level. Ellers' engine as indicated above does not have the engine turned on to charge when not driving the wheels.

Claims 42-45 were already cancelled by applicants amendment dated October 15, 1998.

Claim 36 depends from Claim 34 deemed at least allowable for the reasons given above with respect to Claim 34. Query, if Ellers I.C. engine isn't running during the electric power city